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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1505/2015

KAMLESH Petitioner

Through: Mr.Vivek Vidhyarthi, Advocate.

versus

STATE NCT OF DELHI Respondent

Through: Mr.M.P.Singh, APP.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **19.08.2015**

The petitioner is the mother of one Savita whose husband Pawan Kumar died on 11.3.2014.

Pawan Kumar (deceased) was found lying dead on the railway tracks. On search of his person, a mobile telephone was recovered from which one sms was retrieved. The sms read as hereunder:-

“Today I am going to die due to my mother-in-law, father-in-law, brother-in-law and my wife. They often torture me. Only these persons are responsible for my death. I am not able to live due to their pressure. Please do not delete this message.”

After about 10 days of the death of Pawan Kumar, his brother Dinesh lodged a complaint leading to registration of FIR No.64/14 instituted under Section 306 of the Indian Penal Code. In the aforesaid FIR, it has been alleged that the in-laws of the deceased, were not keeping good relations

with him and that the wife of the deceased was having some liaison with one Gautam. The deceased, according to his brother, committed suicide because of the torture having been perpetrated upon him.

The investigation revealed that the deceased had borrowed money from his brother, (the complainant of this case) who was insisting upon the deceased to return the money. There was some property dispute also between the deceased and his brother (complainant).

During investigation no material came forthcoming with regard to the complicity of the in-laws of the deceased.

A report under Section 173 of the Code of Criminal Procedure was submitted by the police by arraying the petitioner and other relatives of Savita, (wife of the deceased) in column 12 as suspects.

Notwithstanding no evidence against the petitioner, as has been argued, cognizance was taken by the learned Magistrate whereafter summons were issued to the petitioner.

It is stated that the petitioner is in custody since 8.7.2015.

Finding no incriminating material against the petitioner, this Court is inclined to release the petitioner on bail.

Let the petitioner be released on bail on her furnishing a bond in the sum of Rs.10,000/- with two sureties in the like amount to the satisfaction of the Trial Court. Needless to state that the petitioner after being released on bail would participate in the proceedings before the Court below. The petitioner would, immediately after her release, would intimate to the SHO of the concerned police station her telephone number and her place of residence.

The application is allowed.

Dasti.

ASHUTOSH KUMAR, J

AUGUST 19, 2015

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